

DP1763



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PATENT
Customer No. 22,852
Attorney Docket No. 07553.0018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Youbun ITO et al.) Group Art Unit: 1763
)
Serial No.: 09/700,785) Examiner: G. Goudreau
)
Filed: February 5, 2001)
)
For: ETCHING METHOD)

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MW

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR RECONSIDERATION

Claims 1-9 are pending in this application, with claims 1, 2, and 3 being independent claims. No claim has been amended.

In the outstanding Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Yang et al. (U.S. Patent No. 6,227,211). In addition, the Examiner rejected claims 4-9 under 35 U.S.C. § 103(a) as being unpatentable over Yang et al.

In each of the rejections above, the Examiner relies primarily on Yang et al. Yang et al., however, was filed on December 7, 1998, which is later than the priority date (i.e., May 22, 1998) of the present application. Therefore, in order to prefect the claim to the foreign priority date and antedate the reference of Yang et al., Applicants herewith submit an English translation of the Japanese priority document (i.e.,

Japanese Patent Application No. 10-158436), along with a Declaration that the translation of the certified copy is accurate.

Applicants respectfully note that, by the submission of the English translation of the Japanese priority document, Yang et al. will be excluded from further consideration in the above-identified rejections under 35 U.S.C. §§ 102(e) and 103(a). Thus, Applicants respectfully submit that these rejections are rendered moot and should be withdrawn.

Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: November 26, 2002

By: 

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